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December 10, 2003

Victoria J. Rutson, Esq.  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

Dear Ms. Rutson:

Supplementing yesterday's letter, referring to STB Finance Docket No. 34392, New Jersey Rail Carrier LLC-Acquisition and Operation Exemption-Former Columbia Terminals, Kearny, NJ, I have no doubt that you are aware that, by its filing of December 5, 2003, the New Jersey Department of Environmental Protection expressed its satisfaction that the proposed operations of New Jersey Rail Carrier LLC would be in compliance with the State's environmental statutes and regulations and that, accordingly, the Board's stay should be vacated and the section-10901 exemption be allowed to become effective immediately.

I should like to invite your attention to NJRC's Statement, filed October 14, 2003, which noted that the former occupant of property leased by NJRC was the chemical tank farm of Columbia Terminals. At page 8 of its Statement, NJRC observed:

Columbia Terminals, the prior occupant of the property leased by NJRC, for approximately the past fifty years operated a chemical tank farm with a capacity of 14 million gallons and, hence, was the consignee of large numbers of railroad tank cars of chemicals and the shipper of an even greater number of tank trucks of chemicals.

I am advised that approximately 200 trucks a day entered and left the Columbia Terminals premises.

At page 5 of NJRC's Statement, NJRC explained that the entire area in which NJRC is located is an industrial one, in or near which no residences are located. All of these businesses are truck served. Indeed, the New Jersey Department of Transportation plans to situate a PORTWAY intermodal transfer facility on Central Avenue at the interchange with New Jersey Routes 1 and 9, practically across the street from the entrance to NJRC's property.

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At page 8 of its Statement, NJRC concluded that the authorization which it seeks will result in no significant changes in carrier operations (i.e., changes that do not exceed the thresholds established in section 1105.7(e)(4) or (5)), and, accordingly, pursuant to 49 C.F.R. 1105.6(c)(2), no environmental documentation need be prepared.

NJRC remains of that view and sincerely hopes that you will arrive at the same conclusion.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,



Fritz R. Kahn

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